



## Ku-ring-gai Bat Conservation Society Inc.

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Secretariat  
Independent review of the EPBC Act 1999  
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Australia

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### **Independent Review of the Environment Protection and Biodiversity Conservation Act 1999**

Dr Hawke,

The Ku-ring-gai Bat Conservation Society considers that the Environment Protection and Biodiversity Conservation Act 1999 has been beneficial in providing protection for nationally threatened species and ecological communities but it needs to be strengthened in order to prevent further loss of these natural assets and so reverse the serious deterioration of Australia's natural environments on which we all depend.

#### **The purpose of the Act**

The major cause of deterioration in environmental condition across landscapes and the integrity of ecosystems, is that legislation fails to consider the cumulative impacts of all the actions which destroy small pieces of habitat. Australia urgently needs a holistic, landscape scale planning for conservation and recovery of ecosystems instead of the piecemeal assessments of individual developments. The Act needs to give the Commonwealth the obligation to protect species and ecological communities across whole catchments. The Act needs to recognize and protect ecosystem processes which underpin the integrity of all environments including agricultural production and water supplies.

If the Act is to truly achieve sustainable use across landscapes, it requires a much broader focus than isolated species and habitats. It is necessary that the legislation enables the Commonwealth a role in overseeing implementation of regional targets and objectives on environmental matters, and in forward-planning that provides for the maintenance of important ecological function

For example, migratory threatened species such as the grey-headed flying-fox is still losing foraging habitat as a result of logging of high nectar producing trees on private land. Microbats are losing the large diameter eucalypts which provide the best maternity hollows. These small insect-feeding bats provide valuable ecosystem services controlling flying insects such as locusts. They are a national asset but losing habitat fast because no legislation anywhere in Australia protects both their breeding hollows and their foraging habitat.

### **Adequate funding is vital**

In order to fulfill its legal obligations under the ACT, substantial increase in funding is necessary so that recovery planning, threat abatement and critical habitat protection can be effectively undertaken.

### **Delays in implementation of recovery plans**

The Grey-headed Flying-fox *Pteropus poliocephalus* was listed as vulnerable under the EPBC Act in 2001. A Recovery Planning Team was formed and the plan was drafted between 2004 and 2006. Today, in 2008, it is still not a public document. There is evidence (University of Sydney research) of further decline in the population of grey-headed flying-foxes yet the Act has failed to stop the killing of flying-foxes by orchardists in NSW. Social research supports the view that the numbers killed is considerable. Our Society does not have the skills to recommend how the Act should be amended to fix this problem but we know that it must be.

### **Recovery Plans identify and list essential habitats**

We recommend that all recovery plans identify habitats essential to the survival and recovery of threatened species and ecological communities at the time of their listing. The Scientific Committee undertakes this assessment in conjunction with assessing the proposed listing of the species or ecological community. Currently habitats defined in a recovery plan do not enjoy any statutory protection from harm unless they also appear on the official register, a decision subject to Ministerial discretion.

We therefore recommend that all habitats identified as critical to the survival of threatened species and ecological communities be listed on the Register of Critical Habitat or be otherwise protected from harm.

### **Ministerial Discretion**

KBCS recommends that the Act is amended to reduce the discretion of the Minister and instead extend the capacity of the Scientific Committee to set out how matters of national environmental significance can be protected. Currently the Minister has discretion to decide what is a significant impact and what are matters of national environmental significance

### **Suspension or reversal of approvals**

The Act needs to be amended so that if new evidence of damage either now or likely in the future becomes apparent that an approval can be suspended while the matter is investigated or reversed if found to be detrimental to a matter of national environmental significance.

### **Invasive species**

Most of Australia's ecosystems and species are threatened by invasion by weeds and feral animals. Worse still, the threat increases while government fails to prevent the importation of more plants by gardeners, either legally or illegally. Many are sleeper weeds and after a period of meekly staying whether they were put, spread over vast areas costing landowners and governments billions of dollars. Similar problems are now increasingly apparent in the marine environment. Strong legislation and control measures now could save Australia from the rapidly increasing costs of trying to control existing and new invasive species.

On the positive side the Act was effective in avoiding the introduction of the European bumble bee and the savannah cat, both sensible decisions welcomed by the community.

**Habitats critical to the survival of species**

The existing legislation is weak in its ability to link critical habitats recognised through recovery plans with efforts to increase the representativeness of Australia's protected areas estate. While the legislation provides for recognition of habitats critical to the survival of species and ecological communities, it has not to date been effectively utilised and no real protection of habitats critical to the survival of listed species exists.

**Overall planning**

To effectively protect the nation's environment so that landuse is sustainable, the Act needs to apply to regional plans, water plans, transport and population planning. Unless there is environmental assessment of high level planning and implementation then species and ecosystems of national significance will continue to deteriorate and slip into extinction as a result of death by a thousand cuts.

Yours sincerely,



Ken Holland  
Honorary Secretary